

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
NSD-L-99-24 OFFICE OF THE SECRETARY

In the Matter of)
)
Petition by the United States Department of)
Transportation for Assignment of an Abbreviated)
Dialing Code (N11) to Access Intelligent)
Transportation System (ITS) Services Nationwide)
)
Request by the Alliance of Information and)
Referral Systems, United Way of America,)
United Way 211 (Atlanta, Georgia), United)
Way of Connecticut, Florida Alliance of)
Information and Referral Services, Inc., and)
Texas I&R Network for Assignment of 211)
Dialing Code)
)
The Use of N11 Codes and Other Abbreviated)
Dialing Arrangements)

NSD-L-98-80

CC Docket No. 92-105 /

**PETITION FOR RECONSIDERATION OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")¹ hereby submits its
Petition for Reconsideration in the above-captioned proceeding.²

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide, et al., NSD-L-99-24, NSD-L-98-80, Docket No. 92-105, *Third Report and Order and Order on Reconsideration*, 15 FCC Rcd 16753 (2000) ("Order").

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I. INTRODUCTION AND SUMMARY

In the Order, the Commission required providers of telecommunications services, including CMRS carriers, to provide community information and referral services using the 211 abbreviated dialing code and to provide travel information using the 511 code. The Commission envisioned that the community information and referral services would serve “[i]ndividuals facing serious threats to life, health, and mental well being [who] have urgent and critical human needs that are not addressed by dialing 911 for emergency assistance or 311 for non-emergency police assistance.”³ While not explaining how carriers should manage the 211 code, the Commission directed carriers, upon receipt of “a request from an entity ... to use 211 for access to community information and referral services,” to ensure that entities providing non-compliant services relinquish use of the codes, and to “take any steps necessary (such as reprogramming switch software) to complete 211 calls from its subscriber to the requesting entity in its service area.”⁴ To implement this service, the Commission said that it “expect[s] community service organizations to work cooperatively to ensure the greatest public use of this scarce resource.”⁵

In adopting the 511 requirement, the Commission concluded that “a governmental entity may request 511 from both wireline and wireless providers to use for intelligent transportation systems or other transportation information.”⁶ The Commission declined to specify cost recovery or technical parameters, and left the discretion to determine deployment schedules and

³ Id. ¶ 18.

⁴ Id. ¶ 21.

⁵ Id.

⁶ Id. ¶ 15.

the types of information provided, to federal, state, and local government transportation agencies cooperatively.⁷

In adopting these requirements, the Commission did not properly consider them in light of the mobile nature of CMRS services. CMRS networks are designed without regard to state, municipal, or other political boundaries. In fact, CMRS service areas routinely cover more than one state. Indeed, a caller may drive through many different jurisdictions during a single call. These characteristics complicate the implementation of abbreviated dialing codes, such as 211 and 511, under a model better suited to wireline carriers.

Furthermore, the Commission did not provide sufficient specificity for the requirements to enable wireless carriers to implement them with minimal operational difficulties. Finally, the Commission did not consider the impact of its 511 requirement on competition in the highly-competitive wireless market. For these reasons, CTIA respectfully seeks reconsideration of the Commission's order adopting the 211 and 511 abbreviated dialing code requirements for CMRS carriers.

II. THE COMMISSION SHOULD PROVIDE A GREATER DEGREE OF SPECIFICITY FOR THE 211 AND 511 IMPLEMENTATION REQUIREMENTS AND, IN DEVELOPING THE SPECIFICATIONS, IT SHOULD REEVALUATE THE ENTIRE REQUIREMENT WITH WIRELESS SERVICES IN MIND.

The Commission should reconsider its requirement that CMRS carriers provide 211 and 511 services until it provides a greater degree of specificity regarding implementation requirements and considers the impact of those requirements in light of the differences between CMRS networks and wireline networks. In the Order, the Commission ignored the effects its broad regulations will have on CMRS providers. This is particularly troubling in this instance

⁷ Id.

because one of these new calling arrangements, namely the 511 requirement, is directed predominantly at mobile wireless services. The Commission, however, did not give adequate guidance to CMRS providers to enable them to implement the Commission's mandate to provide community information and referral services using the 211 abbreviated dialing code or to provide travel information using the 511 code. Moreover, the limited guidance that the Commission gave was generally of little value to CMRS carriers.

The creation of the 211 and 511 abbreviated dialing codes have unique effects on CMRS carriers that are not addressed in the Order. As the Commission has recognized in other proceedings, CMRS services do not easily fit into either the regulatory or technical models of wireline services.⁸ CMRS providers allow their customers to call from anywhere within large geographic areas and from constantly changing locations. CMRS carriers provide service unrestricted by political boundaries. For example, CMRS carriers serving Washington, DC also serve Virginia and Maryland, and often other states as well. The mobility that CMRS provides customers allows them to freely cross between states and municipalities without limitations on the use of their wireless phones. As a result, mobile services are not identified with a particular "community." Indeed, a customer's mobile telephone number may not be associated with the user's "community." Mobile users may have telephone numbers that do not correspond to the user's home, work, or calling locations. Moreover, CMRS networks are designed without regard for political divisions. A particular cell site within a carrier's network may overlap with other

⁸ See Federal-State Joint Board on Universal Service, Docket No. 96-45, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252, ¶ 13 (1998) (providing "safe harbor" guidelines for universal service contributions by CMRS carriers due to the unique characteristics of CMRS networks and services that make it difficult for CMRS carriers to separate revenues between interstate and intrastate jurisdictions).

cell sites, may serve more than one jurisdiction, or may serve parts of several jurisdictions, making it difficult to route calls based on political boundaries or communities of interest.

Before CMRS carriers are required to implement either the 211 or 511 abbreviated dialing code requirements, the Commission should address practical issues of implementation for mobile services. The implementation of any abbreviated dialing code requires extensive effort to coordinate routing, interconnection, and jurisdictional issues. The Commission should provide more specific guidance on the 211 and 511 requirements, so that CMRS carriers may comply with the Commission's mandate as efficiently as possible, given that the operational issues of N11 code implementation are complex even when carriers have clear guidance to follow. For example, it is critically important that carriers know if they are required to route 211 and 511 calls to more than one number within their operating territory depending on the location of the caller. In this case, CMRS carriers must make necessary network changes to allow translations of the N11 code based on the cell site from which the mobile customer is calling. Performing multiple N11 translations in a single switch is burdensome for carriers, requiring complex and expensive switch upgrades.

Furthermore, if CMRS carriers are required to route 211 and 511 calls based on the cell site, the Commission should establish clear guidelines so that CMRS carriers know where to route such calls. As discussed, CMRS carriers serve broad geographic areas, and cell sites are often not limited to any political jurisdiction. The Commission should clarify that carriers are not required to route calls based on narrow geographic areas. If areas are defined too narrowly, call routing will be overwhelmingly burdensome for carriers and will commonly result in misdirected calls. For example, if carriers are required to provide 211 access to multiple entities within a single county, carriers would be required to route calls based on such small geographic

areas that proper routing would be impractical or infeasible. Therefore, the Commission should clarify the geographic scope of these requirements.

On a related point, the Commission did not give sufficient guidance on which entities should be allowed access to the 211 and 511 codes or how carriers should resolve mutually exclusive requests. While the Commission ordered carriers to provide access to the 511 code for a governmental entity, it did not specify how a carrier should determine which government entity should be allowed access if government agencies are not in agreement. Its only guidance on this issue is that it “leave[s] with federal, state, and local government transportation agencies the discretion to determine the deployment schedule and the type of transportation information that will be provided using 511....”⁹

The Commission provided even less guidance with regard to entities that are qualified to provide community information and referral services using the 211 code. Carriers should be on notice of what community organizations have proper qualifications to provide these services. In addition, given the Commission’s order that carriers provide access to 211 service to “an entity” without more detail, carriers are likely to receive numerous competing requests. Carriers need to know if competing requests require carriers to “take any steps necessary ... to complete 211 calls from its subscriber to the requesting entity” including reducing the geographic scope of call routing to provide access to all requesting entities.¹⁰ If not, carriers need to know how to resolve mutually exclusive requests. As explained, the nature of CMRS service makes call routing of this type an already complex undertaking. Reducing the geographic area in response to competing requests would be overwhelmingly burdensome and likely infeasible for CMRS

⁹ Order ¶ 15.

¹⁰ Order ¶ 21.

carriers. Therefore, the Commission should provide guidelines on how carriers should resolve mutually exclusive requests from entities seeking to provide 211 services. The Commission should carefully consider how it expects CMRS carriers to implement these requirements in light of the technical and market regimes under which CMRS carriers operate. These examples are illustrative, and not fully inclusive, of operational and practical issues that the Commission should address before it requires CMRS carriers to implement the 211 and 511 abbreviated dialing code requirements.

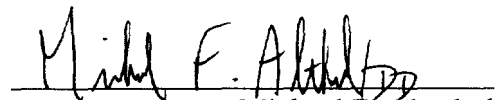
Finally, the Commission should reconsider the effect of the 511 abbreviated dialing code requirements on CMRS competition. The current 511 requirement is detrimental to CMRS competition. Many CMRS carriers provide or are considering providing travel information services to their customers similar to those required by the Commission. Indeed, CMRS providers differentiate their offerings from those of competitors in part based on these types of services. Under the Commission's mandate for 511 travel services provided by "a governmental entity," carriers are inhibited from competing based on these services or from designing the service based on customer demand. As a result, the 511 requirement will reduce competition in the CMRS market, thereby depriving CMRS customers of innovative services that result from vigorous competition. Therefore, CTIA respectfully urges the Commission to reconsider the 211 and 511 abbreviated dialing code requirements for CMRS providers.

III. CONCLUSION

For the foregoing reasons, CTIA respectfully requests that the Commission reconsider its decision to impose both 211 and 511 abbreviated dialing requirements on CMRS carriers until it provides further guidance on implementation issues.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
& INTERNET ASSOCIATION**

A handwritten signature in black ink, appearing to read "Michael F. Altschul", is written over a horizontal line.

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